Remarks/Arguments

The Office Action mailed March 13, 2008 has been reviewed and carefully considered.

Claims 1-12 remain pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim objections

Claims 1 and 7 have been objected to. Applicant apologizes for their oversight on this matter in the response to the first office action. Claims 1 and 7 are herein amended to correct this informality. Reconsideration and withdrawal of the objection is respectfully requested.

Claim rejections / Response to Arguments

The Examiner has responded to applicant's previously submitted arguments distinguishing Stern et al. from the claimed invention as set forth in claims 1 - 12.

Applicant's have argued that Stern et al. does not disclose the feature of applying read addresses at a rate slower than the rate at which read clock pulses are applied. The Examiner has disputed this by first stating:

> "any such device as in Stern may have periods of time which no read addresses are available, or they are not available as fast as the device can accept them. In such a case not all read clock pulses would have an associated read address, thus reading on the claim language."

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Applicant respectfully disagrees with the Examiner's interpretation of Stern et al. At Col.

3, lines 53-56, Stern et al. states:

> "The block diagram of FIG. 1 operates by receiving external data on line 14 and an external clock synchronized with the external data on line 16. The data is clocked into the FIFO and oscillator control logic block 12 by the external clock appearing on line 16..."

This statement in the Stern et al. patent clearly teaches that the data on line 14 is clocked

with the external clock 16 at all time. Accordingly, Stern et al. clearly teach away from

applicant's claimed invention of applying the read addresses to the memory at a rate

slower than the read clock pulses. Thus, when no data appears on line 14, there will be no

read addresses applied to the FIFO of Stern et al. With respect to the Examiner's position

related to the availability of data on line 14, Stern et al. clearly does not address the

situation where the data is not available as fast as the device can accept it, especially in

view of the fact that the clock in 16 is not at all modified by the oscillator 20. As such,

the FIFO of Stern et al. cannot be read on the claimed invention of applying the read

addresses to the memory *at a rate slower than the read clock pulses*, as set forth in

independent claims 1 and 7.

The Examiner then states that:

> "the device of Stern adjusts the frequency of applying read clock pulses and resulting data read out, where the original frequency of applying read clock pulses may be considered the claimed frequency. At a later time, the read addresses could be applied at a lower frequency than the original frequency, since the circuit may adjust the circuit frequency as either higher or lower."

At no time does Stern adjust the frequency of the clock in 16 which is synchronized with

the incoming data. As shown in Applicant's Figure 1, the system clock 25 is input to the

FIFO (read clock) and the FIFO Controller 30. The FIFO controller 30 operates to vary

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the length of one or more addresses to skip or repeat a fraction of a sample in accordance with the usage status of the FIFO. The only clock in Stern et al. is the Clock in 16 shown in Figure 1. As such, this clock is clearly not analogous to applicant's system clock 25, and since Stern et al. neither discloses nor suggest applicant's the FIFO controller, there is clearly no adjustment to the clock in 16 in Stern et al..

Claims 1, 6, 7 and 12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Stern et al. (USP 4,805,198). Applicants' independent claims, in their current form, recite the feature of applying a read addresses to the memory at a rate slower than the read clock pulses. As set forth above, Stern et al. clearly fails to disclose or suggest this feature of applicant's claimed invention. In fact, Stern et al., at Col. 3, lines 53-56 clearly teaches away from this aspect of the claimed invention. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-5 and 8-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stern et al. in view of U.S. 2007/0116062 to Spalilnk. Claims 2-5 and 8-11 depend from claims 1 and 7, respectively. As such, for at least the reasons cited above with respect to independent claims 1 and 7, claims 2-5 and 8-11 are believed to be patentable since the Spalilnk publication contains no disclosure that would remedy the above-described deficiency of Stern et al. Reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing amendments to the claims and the accompany remarks, applicants solicit entry of this amendment and allowance of the claims. If, however, the
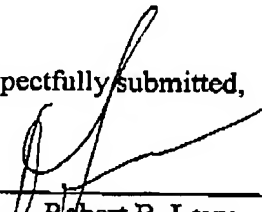
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Examiner believes such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6820, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fees are believed due. However, to the extent any fee is due, or an overcharge exists, kindly debit or credit Deposit Account 07-0832 according.

Respectfully submitted,

By: Robert B. Levy
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
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